

**TITLE V: PUBLIC WORKS**

Chapter

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## CHAPTER 50: GARBAGE

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### § 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

**COMMERCIAL ESTABLISHMENTS.** Any premises where a commercial or industrial enterprise of any kind is carried on, and shall include clubs, churches, and schools where food is prepared, served, or goods are sold.

**GARBAGE.** Animal and vegetable wastes resulting from handling, preparation, cooking, service and consumption of food.

**INCINERATOR.** Any device used for the destruction of refuse, rubbish, or waste material by fire.

**MULTIPLE DWELLING.** Any building used for residential purposes consisting of more than one dwelling unit with individual kitchen facilities for each.

**PERSON.** Any owner or occupant of a residential dwelling unit, or the owner, manager, or proprietor of a multiple dwelling or commercial establishment, whether an individual, partnership, association or corporation, and shall mean any other individual, whether a resident of the city or not, who transports, handles, or disposes or attempts to dispose of refuse or garbage within the city.

**REFUSE.** Shall include all wastes which normally result from the operation of a household, except body wastes and garbage, including but not limited to tin cans, paper, cardboard, glass jars, bottles, wood, grass clippings, Christmas trees, ashes, tires, leaves, hedge or tree trimmings, burning barrels, and mesh backyard burners, or any other household refuse or material in quantities small enough for

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one man to conveniently handle. The word **REFUSE** shall not include construction material resulting from the construction or reconstruction of buildings or other improvements by contractors, nor trees in excess of six inches in diameter.

**REFUSE AND GARBAGE COLLECTOR.** Any person holding a valid license from the city for the purpose of collecting refuse and garbage.

**RESIDENTIAL DWELLING.** Any single building consisting of a single dwelling unit with individual kitchen facilities.

(Ord. 158, passed 6-10-74)

#### § 50.02 LICENSE REQUIRED FOR COLLECTION.

(A) *License required.*

(1) It shall be unlawful for any person, firm, or corporation to engage in the business of refuse and garbage collecting within the city without having first secured a license therefor, and without having thereafter entered into a contract with the City Council to faithfully provide garbage and refuse collection and disposal service (which shall be specifically described in the contract), in accordance with the ordinances and regulations of this municipality, and in compliance with the lawful orders and regulations of the local Board of Health, and in accordance with the laws and regulations of the state.

(2) The annual fee for a license shall be \$10. Applications for licenses shall be made to the City Administrator, and shall be referred by him or her to the City Council; no license shall be issued except on order of the City Council.

(3) By resolution, the City Council may determine that only one refuse and garbage collector may be licensed for operation within the city, or the Council may determine that multiple licenses may be issued. A license shall be issued only upon payment of the license fee above ordered, and upon the filing of a surety bond with the City Administrator in the sum of \$1,000, conditioned upon faithful performance of the licensee's duties, and the licensee shall file with the Clerk-Treasurer proof of coverage of his or her operations by a liability insurance policy to cover personal injuries caused by the negligence of the licensee, or the licensee's agents. The insurance policy and the surety bond shall be with companies authorized to do such business in the State of Minnesota and shall be for a period of time at least as long as the license applied for, and shall be accompanied by a receipt showing payment of the premium upon the policies of insurance. Before the license shall be issued, the licensee shall agree to hold the city harmless and shall agree to defend and indemnify the city, and the city's employees and agents, for any claims, damages, losses, and expenses related to the work under the license. The city shall be named as an additional insured under that insurance for the services provided under the license. The licensee's contract of insurance shall be the primary insurance for the city and the licensee or insurance company shall provide a certificate of insurance which verifies the existence of the insurance

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required, including provisions to hold the city harmless and defend and indemnify the city. The insurance shall provide coverage up to \$300,000 for any single claim and \$1,000,000 for any number of claims in a single occurrence.

(B) *Duration of license.*

- (1) The license for refuse and garbage collection shall be for a period of time not to exceed three years.
- (2) No collector licensed pursuant to this chapter shall acquire a vested right in the license.

(3) The city may, upon finding that public necessity requires, determine to establish other means of refuse collection.

(Ord. 158, passed 6-10-74; Am. Ord. 188, passed 6-22-81) Penalty, see § 10.99

### § 50.03 VEHICLES USED.

(A) The refuse and garbage collector shall provide a covered vehicle known as a packer, so constructed that the contents will not leak or spill therefrom, in which all garbage collected shall be conveyed to a landfill duly licensed for the disposal of garbage.

(B) All vehicles shall be kept in a clean and sanitary condition at all times.

(C) It shall be unlawful for any such vehicle to be driven over or through any street in the city on a Sunday.  
(Ord. 158, passed 6-10-74) Penalty, see § 10.99

### § 50.04 COLLECTION.

(A) (1) Nothing herein contained shall prevent any person from disposing of refuse and garbage accumulating on his or her own premises in any sanitary manner approved by the local Health Department or the Minnesota Pollution Control Agency.

(2) Except as allowed under division (A) of this section, the duly licensed refuse and garbage collector shall make collections at least once per week from each residential dwelling and multiple dwelling, and from commercial establishments with which he has a contract for collection.

(3) All refuse and garbage accumulated on any premises within the city shall be placed and contained in watertight plastic bags. Each resident using the services of the refuse and garbage collector shall follow the regulations of the collector with regard to the dates, times, and location of refuse containers for purposes of collection.

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(4) All persons within the city shall not accumulate refuse and garbage for any longer than two weeks and shall dispose, or make arrangements for disposal, of all refuse and garbage at least once per week.

(B) Every householder or owner, occupant or tenant of any premises who does not otherwise dispose of rubbish or solid waste in a sanitary manner shall contract privately with the refuse and garbage collector to collect and haul away at least once each month all rubbish and solid waste to such places as may be designated by the City Council, or to an authorized place of disposal as may be approved by the Minnesota Pollution Control Agency. (Ord. 158, passed 6-10-74) Penalty, see § 10.99

### § 50.05 SPECIAL COLLECTIONS.

(A) The City Council shall, as part of the license and contract with the refuse and garbage collector, require the collector to conduct at least three special collections during each calendar year.

(B) The minimum three special collections shall be held as follows.

(1) During a two-week period in the spring of the year and shall be limited to lawn rakings and shrub clippings.

(2) During a two-week period in the fall of the year for the collection of leaves, lawn rakings and shrub clippings.

(3) In January each year, primarily for Christmas tree pick-up.

(C) The exact dates for special collections shall be selected by the City Council, with due notice given to the city residents by the Council.

(Ord. 158, passed 6-10-74)

### § 50.06 BURNING PROHIBITED.

(A) *Definitions.* For the purpose of this chapter the following terms, phrases, words and their derivations have the meaning given herein.

**OPEN FIRE, OPEN BURNING.** A fire burning in a manner, whether concentrated or dispersed, which is not contained within a fully enclosed fire box, structure or container and from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney.

**PERSON.** As defined in M.S. § 116.06(17).

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**RECREATIONAL FIRE.** A fire set for cooking, warming, recreational or ceremonial purposes which is not more than three feet in diameter by three feet high and has had the ground five feet from the base of the fire cleared of all combustible material.

**STARTER FUELS.** Dry, untreated, unpainted wood or charcoal fire starter. Paraffin candles and alcohol are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas- burning devices causing minimal pollution must be used to start an **OPEN FIRE**.

**WOOD.** Dry, clean fuel only such as twigs, branches, limbs, "presto logs," charcoal, cordwood or untreated dimensional lumber. The term does not include wood that is green, has leaves or needles attached or is rotten, wet, oil-soaked or treated with paint, glue or preservatives. Clean pallets may be used for **RECREATIONAL FIRES** when cut to three-foot lengths.

(B) *Recreational fire site requirements.*

- (1) A recreational fire site must be:
  - (a) An area of no more than a three-foot diameter circle (measured from the inside of the fire ring or border);
  - (b) Completely surrounded by non-combustible and non-smoke- or odor-producing material, either of natural rock, cement, brick, tile or block of ferrous metal only; and
  - (c) Depressed below ground or on a raised bed.
- (2) Included are permanent outdoor wood-burning fire places.
- (3) Recreational fire sites shall not be located closer than 25 feet to any structure.
- (4) Burners are not a recreational fire site as defined herein.

(C) *Recreational fire burn requirements.*

- (1) When a fire is used for recreational purposes, it must:
  - (a) Be ignited with an approved starter fluid using dry, clean wood;
  - (b) Produce little detectable smoke, odor or soot beyond the property line;
  - (c) Be tended by an adult at all times;
  - (d) Be extinguished completely before quitting the occasion; and
  - (e) Be maintained respecting weather conditions, neighbors, burning bans and air quality so that nuisance health or safety hazards will not be created.

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(2) Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers and propane or natural gas devices are not defined as recreational fires.

(D) *Open burning prohibited.*

- (1) Except as herein otherwise provided, open burning shall be prohibited within the city.
- (2) The use of burners or burn barrels for burning vegetative matter is prohibited.

(E) *Exemptions.* Open burning of the types and subject to the conditions as hereinafter stated shall be exempt from the prohibition of division (D), above:

- (1) Recreational fires.
- (2) Fires under managed supervision for which a burning permit has been obtained where required by law from the Department of Natural Resources, but limited to the following:
  - (a) Fires purposely set for the instruction and training of public and industrial fire-fighting personnel.
  - (b) Fires set for the elimination of a fire hazard which cannot be abated by any other practicable means.
  - (c) Fires purposely set for forest and game management purposes.
- (3) Exemption to conduct fires under this section does not excuse a person from the consequences, damages or injuries which may result therefrom, nor does it exempt any person from regulations promulgated by the Minnesota

Pollution Control Agency or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulation.

(4) Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers and propane or natural gas devices.

(F) *Rules adopted by reference.* M.S. §§ 88.02 through 88.22, 88.75, 88.76 and the Minnesota Uniform Fire Code are hereby adopted by reference and made a part of this section as if fully set forth at this point.

(G) *Penalty.*

(1) Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000 or imprisonment in the Waseca County jail for not more than 90 days or both.

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(2) In addition to any penalty provided under division (1), above, the city and/or its Fire or Police Departments may seek reimbursement of any costs, either through restitution in a criminal proceeding or in a separate civil proceeding, that are incurred as a result of the violation of this section or enforcement of this section.

(H) *Authority of Police Department.* The Police Department shall have the authority to put out any fires that are deemed to be in violation of this section. The officer shall act with all reasonable care and if in his or her discretion it would be unsafe to put out the fire, he or she will call the Fire Department to extinguish the fire in the safest manner possible. (Ord. 158, passed 6-10-74; Am. Res. 2002-22, passed 6-10-02) Penalty, see § 10.99

***Cross-reference:***

*Open burning, see nuisances affecting health, § 91.02*

### **§ 50.07 CHARGES.**

(A) (1) Each residential dwelling and each unit of a multiple dwelling within the city shall be charged a specific sum, based upon a monthly charge, for the collection of refuse and garbage by the refuse and garbage collector. These fees shall be paid by all residents of the city, and the charges therefor shall be included in the billing with the water and sewer charges of the city, and shall be billed on a monthly basis. The amount thereof shall be established from time to time by the City Council by resolution, the resolution to be adopted at a regular meeting of the City Council, without further notice save and except the adoption of this chapter and publication thereof.

(2) Nothing herein contained shall prohibit any resident of the city from disposing of his or her own refuse and garbage, but each resident, nevertheless, must pay the regular charge for refuse and garbage collection, it being the policy of the city that such is necessary for the general health and welfare of the community, and that the refuse collection costs should be borne by each residential unit.

(3) The City Administrator, or such other employee of the city as may be authorized and directed therefore, shall regularly bill the residents affected by this chapter for the monthly charges for refuse and garbage collection along with the water and sewer bill, and failure to pay any portion of the bill shall be cause for immediate termination of the services represented therefore, namely refuse and garbage collection, water service and sewer service. The refuse and garbage collector shall cancel service when notified by the City Administrator or the authorized employee of the city appointed to supervise collection, that the party in question has not paid his or her water, sewer and garbage collection bill.

(4) The refuse and garbage collector shall pick up all refuse and garbage of residents when the same has been deposited for collection in the following manner: all refuse and garbage shall be placed in plastic bags, which shall not exceed the 30-gallon standard size, and shall be placed on the day of pick-up as close to the edge of the street as is practicable; each resident to whom refuse and garbage collection service is made available shall be allowed not more than three plastic bags per week for the charge to be made by the city as set forth in subdivision (A)(1) above, provided however, that additional plastic garbage bags of similar size will be picked up by the refuse and garbage collector at an additional charge to the residents as may be set from time to time by resolution of the City Council.

(B) No commercial or industrial establishment or business within the city is required by this chapter to pay for refuse and garbage collection services unless they elect to voluntarily have the refuse and garbage collector provide this service to them. Provided however, that the City Council may, by resolution adopted at any regular City Council meeting hereafter, of which at least ten days published notice shall be given prior to the meeting of the intention to adopt such a resolution, require that the commercial and industrial establishments within the city shall be required to pay charges for such services, whether they dispose of their own refuse or garbage or not, upon the provision and determination by the City Council that this procedure is necessary for the health and welfare of the city.

(Ord. 158, passed 6-10-74; Am. Ord. 175, passed 6-19-78) Penalty, see § 10.99

**§ 50.08 ADDITIONAL REGULATIONS.**

The City Council may promulgate such other regulations to govern the collection of refuse or garbage within the city as may be appropriate and not in violation of this chapter or any other regulations of the Minnesota Pollution Control Commission, provided that such regulation shall not be effective until the expiration date of any refuse or garbage collection license or franchise then granted and existing.

(Ord. 158, passed 6-10-74)

## CHAPTER 51: SEWERS

### Section

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**GENERAL PROVISIONS**

**§ 51.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

**ACT.** The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33 USC 1251, *et seq.*

**ASTM.** American Society for Testing Materials.

**AUTHORITY.** The City of Janesville, or its representative thereof.

**BOD<sub>5</sub> or BIOCHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C in terms of milligrams per liter (mg/l).

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning immediately outside the building wall.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

**CITY.** The area within the corporate boundaries of the City of Janesville as presently established or as amended by ordinance or other legal actions at a future time. The term **CITY** when used herein may also be used to refer to the City Council and its authorized representative.

**CHEMICAL OXYGEN DEMAND** or **COD.** The quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

**COMPATIBLE POLLUTANT.** Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS permit if the treatment facilities are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.

**CONTROL MANHOLE.** A structure specially constructed for the purpose of measuring flow and sampling of wastes.

**EASEMENT.** An acquired legal right for the specific use of land owned by others.

**FECAL COLIFORM.** Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

**FLOATABLE OIL.** Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.

**GARBAGE.** Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

**GARBAGE, PROPERLY SHREDED.** The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½-inch (1.27 cm) in any dimension.

**INCOMPATIBLE POLLUTANT.** Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

**INDUSTRY.** Any non-governmental or nonresidential user of a publicly-owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E, and I.

**INDUSTRIAL WASTE.** Gaseous, liquid, and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery, and processing of natural resources, as distinct from residential or domestic strength wastes.

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**INFILTRATION.** Water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections, and manhole walls.

**INFILTRATION/INFLOW (I/I).** The total quantity of water from both infiltration and inflow.

**INFLOW.** Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

**INTERFERENCE.** The inhibition or disruption of the city's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES and/or SDS permit. The term includes sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under Section 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, as they may be amended from time to time, or more stringent state criteria applicable to the method of disposal or use employed by the city.

**MPCA.** Minnesota Pollution Control Agency.

**NATIONAL CATEGORICAL PRETREATMENT STANDARDS.** Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307 (b) of the Act, as it may be amended from time to time.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.** A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act, as they may be amended from time to time.

**NATURAL OUTLET.** Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

**NON-CONTACT COOLING WATER.** The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added is heat.

**NORMAL DOMESTIC STRENGTH WASTE.** Wastewater that is primarily introduced by residential users with a BOD<sub>5</sub> concentration not greater than 150 mg/l and a suspended solids (TSS) concentration of greater than 175 mg/l.

**PERSON.** Any individual, firm, company, association, society, corporation, or group.

**pH.** The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

**PRETREATMENT.** The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works.

**SEWAGE.** The spent water of a community. The preferred term is wastewater.

**SEWER.** A pipe or conduit that carries wastewater or drainage water.

(1) **COLLECTION SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

(2) **COMBINED SEWER.** A sewer intended to serve as a sanitary sewer and a storm sewer.

(3) **FORCEMAIN.** A pipe in which wastewater is carried under pressure.

(4) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(5) **PRIVATE SEWER.** A sewer which is not owned and maintained by a public authority.

(6) **PUBLIC SEWER.** A sewer owned, maintained and controlled by a public authority.

(7) **SANITARY SEWER.** A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

(8) **STORM SEWER or STORM DRAIN.** A drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.

**SHALL** is mandatory; **MAY** is permissive.

**SIGNIFICANT INDUSTRIAL USER.** Any industrial user of the wastewater treatment facility which has a discharge flow in excess of 25,000 gallons per average work day; has exceeded 5% of the total flow received at the treatment facility; whose waste contains a toxic pollutant in toxic amounts pursuant to Section 307 (a) of the Act as it may be amended from time to time; or whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.

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**SLUG.** Any discharge of water or wastewater which, in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

**STATE DISPOSAL SYSTEM (SDS) PERMIT.** Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to M.S. § 115.07 as it may be amended from time to time for a disposal system as defined by M.S. § 115.01 as it may be amended from time to time.

**SUPERINTENDENT.** The Wastewater Superintendent or a deputy, agent or representative thereof.

**SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS).** The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater*, latest edition, and referred to as nonfilterable residue.

**TOXIC POLLUTANT.** The concentration of any pollutant or combination of pollutants which, upon exposure to or assimilation into any organism, will cause adverse affects as defined in standards issued pursuant to Section 307 (a) of the Act as it may be amended from time to time.

**UNPOLLUTED WATER.** Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

**USER.** Any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system.

**WASTEWATER.** The spent water of a community, referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water and storm water that may be present.

**WASTEWATER TREATMENT WORKS or TREATMENT WORKS.** An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation or municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water, including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply, such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

**WATERCOURSE.** A natural or artificial channel for the passage of water, either continuously or intermittently.

**WPCF.** The Water Pollution Control Federation.  
(Ord. 225, passed 3-24-92)

**§ 51.02 WASTEWATER SUPERINTENDENT.**

The Wastewater Superintendent shall have control and general supervision of all public sewers and service connections in the city, and shall be responsible for administering all provisions of this chapter to the end that a proper and efficient public sewer is maintained.  
(Ord. 225, passed 3-24-92)

**§ 51.03 CONNECTION TO PUBLIC SEWERS REQUIRED.**

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and the city's NPDES/SDS permit.

(C) Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(D) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, from which wastewater is discharged, and which is situated within the city and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the city, shall be required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with provisions of this chapter within 30 days of the date the public sewer is operational, provided the public sewer is within 300 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official 30-day notice shall be served instructing the affected property owner to make the connection.

(E) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under division (D) of this section, the city must undertake to have the connection made and shall assess the cost thereof against the benefitted property. The assessment, when levied, shall bear interest at the

rate determined by the City Council, and shall be certified to the County Auditor, and shall be collected and remitted to the city in the same manner-as assessments for local improvements. The rights of the city shall be in addition to any remedial or enforcement provisions of this chapter.

(Ord. 225, passed 3-24-92) Penalty, see § 10.99

**§ 51.04 DAMAGE TO FACILITIES.**

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

(Ord. 225, passed 3-24-92) Penalty, see § 10.99

**§ 51.05 USER RATE SCHEDULE.**

Each user of sewer service shall pay the charge(s) and connection fees applicable to the type of service, and in accordance with the provisions of ordinances and resolutions as may be adopted by the City Council.

(Ord. 225, passed 3-24-92) Penalty, see § 10.99

***PRIVATE WASTEWATER DISPOSAL***

**§ 51.15 PERMIT REQUIRED.**

(A) Where a public sewer is not available under the provisions of § 51.03(D), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter.

(B) Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the city. The application for a permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary to the city.

(Ord. 225, passed 3-24-92) Penalty, see § 10.99

**§ 51.16 INSPECTION OF PRIVATE SYSTEM REQUIRED.**

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city or its authorized representative. The city or its representative

shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the city when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice.

(Ord. 225, passed 3-24-92) Penalty, see § 10.99

**§ 51.17 SYSTEM REQUIREMENTS; OPERATION.**

(A) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minn. Rules Ch. 7080, entitled, "Individual Sewage Treatment System Standards", as the same may be amended from time to time. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(B) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.

(Ord. 225, passed 3-24-92) Penalty, see § 10.99

**§ 51.18 CONNECTION TO PUBLIC SEWERS.**

At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 30 days in compliance with this chapter, and within 30 days any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.

(Ord. 225, passed 3-24-92) Penalty, see § 10.99

**§ 51.19 ADDITIONAL REQUIREMENTS.**

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

(Ord. 225, passed 3-24-92)

***BUILDING SEWERS AND CONNECTIONS***

**§ 51.30 CONDITIONS.**

Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including, but not limited to capacity for flow, BOD<sub>5</sub>, and

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Suspended Solids, as determined by the Superintendent.  
(Ord. 225, passed 3-24-92) Penalty, see § 10.99

### **§ 51.31 PERMIT REQUIRED; APPLICATION AND FEE.**

(A) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(B) Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building beyond the limits of the building or property for which the service connection permit has been given.

(C) There shall be two classes of building sewer permits: for residential and commercial service, and for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgement of the city. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

(D) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

(E) The permit fee for making service connections shall be in the amount specified by Council resolution. All permits shall expire on December 31 of the permit year unless the permit is suspended or revoked by the Council for cause. A renewal will be charged at a rate of 10% of the original fee. Upon failure to apply for a permit renewal prior to the expiration date thereof, the permit fee for the ensuing year shall be 25% of the original fee.  
(Ord. 225, passed 3-24-92) Penalty, see § 10.99

### **§ 51.32 SEPARATE SEWER REQUIRED FOR EACH BUILDING.**

(A) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

(B) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent or his representative, to meet all requirements of this chapter.

(C) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, a sanitary sewer carried by the building drain shall be lifted by an approved means and discharged to the building sewer.  
(Ord. 225, passed 3-24-92) Penalty, see § 10.99

#### **§ 51.33 CONFORMANCE WITH PLUMBING CODE.**

(A) The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench shall all conform to the requirements of the state Building and Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF *Manual of Practice No. 9* as it may be amended from time to time shall apply.

(B) The connection of the building sewer into the public sewer shall conform to the requirements of the state Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCF *Manual of Practice No. 9* as it may be amended from time to time. All connections shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.

(Ord. 225, passed 3-24-92) Penalty, see § 10.99

#### **§ 51.34 GROUND WATER CONNECTIONS PROHIBITED.**

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or indirectly to the wastewater disposal system.

(Ord. 225, passed 3-24-92) Penalty, see § 10.99

#### **§ 51.35 INSPECTION REQUIRED.**

The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Superintendent or authorized representative thereof.

(Ord. 225, passed 3-24-92) Penalty, see § 10.99

**§ 51.36 CONSTRUCTION REQUIREMENTS; LICENSE REQUIRED.**

(A) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(B) No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform the work, and no permit shall be granted to any person except a regularly licensed person.

(C) Any person desiring a license to make a service connection with public sewers shall apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the City Administrator for recommendations to the Council. If approved by the Council, the license shall be issued by the City Administrator upon the filing of a bond as hereinafter provided.

(D) No license shall be issued to any person until a performance bond or a cash bond to the city, in the amount specified by Council resolution, approved by the Council, is filed with the City Administrator, conditioned that the licensee will indemnify and save harmless the city from all suits, accidents, and damage that may arise by reason of any opening in any street, alley, or public ground, made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over any opening to the condition existing prior to installation, adequately guard with barricades and lights, and will keep and maintain the same to the satisfaction of the City Administrator, and shall conform in all respects to the rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law.

(E) The Council may suspend or revoke any license issued under this subchapter for any of the following causes.

(1) Giving false information in connection with the application for a license.

(2) Incompetence of the licensee.

(3) Willful violation of any provisions of this subchapter or any rule or regulation pertaining to the making of service connections.

(Ord. 225, passed 3-24-92) Penalty, see § 10.99

*USE OF PUBLIC SERVICES*

**§ 51.50 DISCHARGE OF SURFACE WATER.**

(A) No person(s) shall discharge or cause to be discharged any unpolluted water, such as storm water, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the city and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the city and upon approval and the issuance of a discharge permit by the MPCA.

(Ord. 225, passed 3-24-92) Penalty, see § 10.99

**§ 51.51 DISCHARGE PROHIBITIONS AND LIMITATIONS.**

(A) No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers.

(1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

(2) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than ½-inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Any wastewater having a pH of less than 5.0 or greater than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater disposal system.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a

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hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.

(B) The following described substances, material, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than limitations established in the regulations below if, in his opinion, more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of wastes, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the city's NPDES and/or SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows.

(1) Any wastewater having a temperature greater than 150°F (65.6°C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C), or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein.

(2) Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l, or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.

(3) Any quantities of flow, concentrations, or both which constitute a slug, as defined in § 51.01.

(4) Any garbage not properly shredded, as defined in § 51.01. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparations of food on the premises or when served by caterers.

(5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.

(6) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.

(7) Non-contact cooling water or unpolluted storm, drainage, or ground water.

(8) Wastewater containing inert suspended solids, such as, but not limited to Fuller’s earth, lime slurries, and lime residues, or of dissolved solids, such as, but not limited to sodium chloride and sodium sulfate, in such quantities that would cause disruption with the wastewater disposal system.

(9) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

(10) Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works is in excess of the following limits for those materials.

<i>Substance</i>	<i>Limit</i>
Arsenic	0.5 mg/l
Cadmium	0.5 mg/l
Copper	1.5 mg/l
Cyanide	0.5 mg/l
Lead	1.5 mg/l
Mercury	0.05 mg/l
Nickel	1.5 mg/l
Silver	0.5 mg/l
Total Chromium	0.5 mg/l
Zinc	1.5 mg/l
Phenolic compounds which cannot be removed by city's wastewater treatment system	

(11) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation, or ordinance of any regulatory agency, or state or federal regulatory body.

(12) Any waters or wastes containing BOD<sub>5</sub> or suspended solids of such character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of § 51.61.  
(Ord. 225, passed 3-24-92) Penalty, see § 10.99

**§ 51.52 ACTION BY CITY.**

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in § 51.51(B), and/or which, in the

judgment of the Superintendent, may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment; receiving waters, and/or soil, vegetation, and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the city may do any of the following.

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307 (b) of the Act and all addendums thereof.
- (3) Require control over the quantities and rates of discharge.
- (4) Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges.

(B) If the city permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owner's expense, and shall be subject to the review and approval of the city, pursuant to the requirements of the MPCA.  
(Ord. 225, passed 3-24-92)

**§ 51.53 DILUTION PROHIBITED.**

No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in § 51.51, or contained in the national categorical pretreatment standards or any state requirements.  
(Ord. 225, passed 3-24-92) Penalty, see § 10.99

**§ 51.54 PRETREATMENT FACILITIES.**

(A) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).  
(Ord. 225, passed 3-24-92) Penalty, see § 10.99

**§ 51.55 GREASE, OIL, AND SAND INTERCEPTORS.**

(A) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in § 51.51(B)(2), any flammable wastes as specified in § 51.51(A)(1), sand or

other harmful ingredients; except that interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintain of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collecting materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

(B) The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain a waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system. (Ord. 225, passed 3-24-92) Penalty, see § 10.99

#### **§ 51.56 CONTROL MANHOLE.**

Where required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. The structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city. The structure shall be installed by the owner at the owner's expense and shall be maintained by the owner to be safe and accessible at all times. (Ord. 225, passed 3-24-92) Penalty, see § 10.99

#### **§ 51.57 MEASUREMENTS, TESTS AND ANALYSES.**

(A) The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the city, be required to provide laboratory measurements, tests, or analyses of waters or wastes to illustrate compliance with this chapter and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the city. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at such times and in such manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses, and reporting required by the city. At such times as deemed necessary, the city reserves the right to take measurements and samples for analysis by an independent laboratory.

(B) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard*

*Methods for the Examination of Water and Wastewater*, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

(Ord. 225, passed 3-24-92) Penalty, see § 10.99

**§ 51.58 ACCIDENTAL DISCHARGES.**

Where required by the city, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this chapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review and approval prior to construction of the facility. Review and approval of such plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. Users shall notify the Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this chapter to enable countermeasures to be taken by the Superintendent to minimize damage to the wastewater treatment works. Notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employers shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

(Ord. 225, passed 3-24-92) Penalty, see § 10.99

**§ 51.59 DISCHARGE OF DEPOSITS OR OBSTRUCTIONS.**

(A) No person having charge of any building or other premises which drains into the public sewer shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 30 days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Superintendent may then cause the work to be done, and recover from the owner or agency the expense thereof by an action in the name of the city, and the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform such other work as the Superintendent may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of 30 days, the Superintendent may cause the work to be completed at the expense of the owner or representative thereof.

(B) Whenever any service connection becomes clogged, obstructed, broken or out of order, detrimental to the use of the public sewer or unfit for the purpose of drainage, the owner shall repair

or cause the work to be done as the Superintendent may direct. Each day after 30 days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Superintendent may then cause the work to be done, and recover from the owner or agency the expense thereof by an action in the name of the city.  
(Ord. 225, passed 3-24-92) Penalty, see § 10.99

**§ 51.60 ASSESSMENT OF COSTS FOR REPAIRS.**

In addition to any penalties that may be imposed for violation of any provision of this chapter, the city may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharged or prohibited wastes by those persons, and may collect the assessment as an additional charge for use of the public sewer system, or in any other manner deemed appropriate by the city, and in accordance with the provisions set forth in Chapter 52, §§ 52.01 through 52.54.  
(Ord. 225, passed 3-24-92)

**§ 51.61 SPECIAL AGREEMENTS.**

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, providing that national categorical pretreatment standards and the city's NPDES and/or State Disposal System permit limitations are not violated, and the user pays operation, maintenance and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, and no user is charged at a rate less than that of normal domestic strength wastewater.  
(Ord. 225, passed 3-24-92)

***POWERS AND AUTHORITY OF INSPECTORS***

**§ 51.75 ACCESS TO FACILITIES; INSPECTION.**

(A) The Superintendent or other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this chapter.

(B) While performing necessary work on private properties, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.56.

(C) The Superintendent or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.  
(Ord. 225, passed 3-24-92) Penalty, see § 10.99

**§ 51.76 CONFIDENTIAL INFORMATION.**

The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.  
(Ord. 225, passed 3-24-92)

***SEWER DISTRICTS***

**§ 51.85 DISTRICT ONE.**

The following described area included within the following set forth and described boundaries shall constitute Sewer District Number One.

Beginning at the intersection of the County Road which constitutes the western boundary of the city and First Street; thence north along the County Road to a point half-way between First Street and Second Street; thence easterly along a line half-way between First Street and Second Street to Mott Street; thence northerly along Mott Street to Second Street; thence easterly along Second Street to Market Street; thence southerly along Market Street to the alley between First

and Front Streets; thence easterly along the alley to Teal Street; thence south along Teal Street to Front Street; thence easterly along Front Street to the west line of lot one, Santo's Addition; thence south along the line across the Chicago Northwestern Railway right-of-way, continuing southerly along the east line of blocks 34 and 35 of first addition to Oak Street; thence west along Oak Street to a point 180 feet east of the east line of Main Street; thence south parallel to the east line of Main Street to Maple Street; thence west along Maple Street to a point 150 feet west of the west line of Main Street; thence north parallel to the west line of Main Street to Chestnut Street; thence west along Chestnut Street to a point half-way between Britton Street and Skookum Street; thence north parallel to the west line of Britton Street to Oak Street; thence west along Oak Street to the west line of blocks 40 and 29, first addition north to the alley in block 29; thence east along the alley to Skookum Street; thence north along Skookum Street across the Chicago Northwestern Railway right-of-way to Front Street; thence westerly to the southeast corner of block 3, Carpenter's First Addition; thence westerly along the south line of the block to the County Road; thence northeasterly along the County Road to First Street, the point of beginning. (Ord. 67, passed 8-2-20)

#### § 51.86 DISTRICT TWO.

The following described area included within the following set forth and described boundaries shall constitute Sewer District Number Two.

Beginning at a point halfway between First and Second Streets and the center of the County Road which constitutes the western boundary of the city and continuing northerly along the County Road to a point 202.46 feet north of the north line of Grove Street; thence easterly parallel to Grove Street to a point 150 feet west of the west line of Main Street; thence north parallel to the west line of Main Street to a point 33 feet north of the north line of lot A, Allyn's Third Addition; thence east and parallel to the north line of the block and blocks 5, 6, and 13, Allyn's Fourth Addition, to a point halfway between Teal Street to Third Street; thence west to a point 125 feet east of the east line of Teal Street; thence south and parallel to the east line of Teal Street to a point 165 feet south of the south line of Third Street; thence east along the alley to a point 256 feet east of the east line of Becker Street; thence south and parallel to the east line of Becker Street to the alley of block 43, Chandler's Addition; thence west along the alley to Becker Street; thence south along Becker Street to First Street; thence east along First Street to a point 348.5 feet east of the west line of lot 1, Santo's Addition; thence south along the east line of lot 4, Santo's Addition to the Chicago Northwestern Railway right-of-way; thence west along the south line of Santo's Addition to the west line of the addition, being the east boundary of Sewer District Number One; thence following the boundary of Sewer District Number One north and westerly to the point of beginning. (Ord. 67, passed 8-2-20)



## CHAPTER 52: SEWER RATES

### Section

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**GENERAL PROVISIONS**

**§ 52.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

**ADMINISTRATION.** Those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).

**BIOCHEMICAL OXYGEN DEMAND or BOD<sub>5</sub>.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

**CITY.** The area within the corporate boundaries of the City of Janesville, as presently established or as amended by ordinance or other legal actions at a future time. When used herein the term **CITY** may also refer to the City Council or its authorized representative.

**COMMERCIAL USER.** Any place of business which discharges sanitary waste as distinct from industrial wastewater.

**COMMERCIAL WASTEWATER.** Domestic wastewater emanating from a place of business as distinct from industrial wastewater.

**DEBT SERVICE CHARGE.** A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.

**GOVERNMENTAL USER.** Users which are units, agencies or instrumentalities of federal, state or local government discharging normal domestic strength wastewater.

**NORMAL DOMESTIC STRENGTH WASTEWATER.** Wastewater that is primarily produced by residential users, with BOD<sub>5</sub> concentrations not greater than 150 mg/l and suspended solids concentrations not greater than 175 mg/l.

**EXTRA STRENGTH WASTE.** Wastewater having a BOD<sub>5</sub> and/or TSS greater than domestic waste as defined in this section, and not otherwise classified as an incompatible waste.

**INCOMPATIBLE WASTE.** Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

***INDUSTRIAL USERS*** or ***INDUSTRIES***.

(1) Entities that discharge into a publicly-owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemental under one of the following divisions.

- Division A - Agriculture, Forestry and Fishing
- Division B - Mining
- Division D - Manufacturing
- Division E - Transportation, Communications, Electric, Gas and Sanitary Sewers
- Division I - Services

For the purpose of this definition, domestic waste shall be considered to have the following characteristics: BOD<sub>5</sub> less than 150 mg/l; Suspended Solids less than 175 mg/l.

(2) Any non-governmental user of a publicly-owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

***INDUSTRIAL WASTEWATER.*** The liquid processing wastes from an industrial manufacturing process, trade, or business including but not limited to all Standard Industrial Classification Manual Division A, B, D, E, and I manufacturers as distinct from domestic wastewater.

***INSTITUTIONAL USER.*** Users other than commercial, governmental, industrial or residential users, discharging primarily normal domestic strength wastewater (e.g. nonprofit organizations).

***OPERATION AND MAINTENANCE.*** Activities required to provide for the dependable and economical functioning of the treatment works, throughout the useful life of the treatment works, and at the level of performance for which the treatment works were constructed. ***OPERATION AND MAINTENANCE*** includes replacement.

***OPERATION AND MAINTENANCE COSTS.*** Expenditures for operation and maintenance, including replacement.

***PUBLIC WASTEWATER COLLECTION SYSTEM.*** A system of sanitary sewers owned, maintained, operated and controlled by the city.

***REPLACEMENT.*** Obtaining and installing of equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which the works were designed and constructed.

**REPLACEMENT COSTS.** Expenditures for replacement.

**RESIDENTIAL USER.** A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.

**SANITARY SEWER.** A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

**SEWER SERVICE CHARGE.** The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer-related charges that are billed periodically to users of the city's wastewater treatment facilities.

**SEWER SERVICE FUND.** A fund into which income from Sewer Service Charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the **SEWER SERVICE FUND** will be for operation, maintenance and replacement costs, and to retire debt incurred through capital expenditure for wastewater treatment.

**SHALL** is mandatory; **MAY** is permissive.

**SLUG.** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration or flows during normal operation, and shall adversely affect the collection system and/or performance of the wastewater treatment works.

**STANDARD INDUSTRIAL CLASSIFICATION MANUAL.** Office of Management and Budget, 1972.

**SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS).** The total suspended matter that either floats on the surface or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater*, latest edition, and referred to as nonfilterable residue.

**TOXIC POLLUTANT.** The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307 (a) of the Act as it may be amended from time to time, which upon exposure to or assimilation into any organism will cause adverse effects.

**USER CHARGE.** A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

**USERS.** Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

**WASTEWATER.** The spent water of a community, also referred to as sewage. From the standpoint of source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.

**WASTEWATER TREATMENT WORKS or TREATMENT WORKS.** An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water, including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply, such as standby treatment units and clear well facilities; and any works, including land, which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from this treatment.

(Ord. 226, passed 3-24-92)

**§ 52.02 SEWER SERVICE CHARGE SYSTEM.**

(A) The city establishes a sewer service charge system whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance, and replacement, and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

(B) Each user shall pay a proportionate share of operation maintenance and replacement costs of the treatment works, based on the user's proportionate contribution to the total wastewater loading from all users.

(C) Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

(D) Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a sewer service charge system developed according to the provisions of this chapter. The sewer service charge system developed shall be adopted by resolution upon enactment of this chapter, shall be posted or published in the local newspaper as required by the City Charter. Subsequent changes in sewer service rates and charges shall be adopted by Council resolution and shall be published in the local newspaper.

(E) Revenues collected for sewer service shall be deposited in a separate fund know as the sewer service fund. Income from revenues collected will be expended to offset the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.

(F) Sewer service charges and the sewer service fund will be administrated in accordance with the provision of §§ 52.50 through 52.54 of this chapter.  
(Ord. 226, passed 3-24-92)

**§ 52.03 RELATION OF SEWER SERVICE CHARGE SYSTEM TO OTHER CONDITIONS OR AGREEMENTS.**

The sewer service charge system shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of Section 204 (b)(1)(A) of the Clean Water Act and 40 CFR 35.2140 of the Environment Protection Agency's grant regulations as they may be amended from time to time.  
(Ord. 226, passed 3-24-92)

***DETERMINATION OF SEWER SERVICE CHARGES***

**§ 52.15 USER CLASSES.**

(A) Users of the city wastewater treatment works shall be identified as belonging to one of the following user classes.

- (1) Residential.
- (2) Commercial.
- (3) Governmental.
- (4) Institutional.
- (5) Industrial.

(B) The allocation of users to these categories for the purpose of assessing user charges and debt service charges shall be the responsibility of the City Administrator. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.  
(Ord. 226, passed 3-24-92)

**§ 52.16 OPERATION, MAINTENANCE AND REPLACEMENT COSTS.**

(A) Each user shall pay operation, maintenance, and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum rate for loadings of BOD and TSS being the rate established for concentrations of 150 mg/l BOD and 175 mg/l TSS (i.e. normal domestic strength wastewater).

(B) Those industrial users discharging segregated normal domestic strength wastewater only can be classified as commercial users for the purpose of rate determination.  
(Ord. 226, passed 3-24-92)

**§ 52.17 BILLABLE WASTEWATER VOLUME.**

(A) The charges assessed residential users and those users of other classes discharging normal domestic strength wastewater shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows.

(1) *Residential users.* Billable wastewater volume for residential users shall be calculated on 100% of the metered water usage throughout the year. The city may require residential users to install water meters for the purpose of determining billable wastewater volume.

(2) *Commercial, governmental, institutional and industrial users.* The billable wastewater volume of commercial, governmental, institutional and industrial users will be calculated on 100% of the metered water usage throughout the year of calculated on the basis of wastewater flow meters.

(B) The city may, at its discretion, require commercial, governmental, institutional and industrial users to install additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.  
(Ord. 226, passed 3-24-92)

**§ 52.18 DETERMINATION OF USER CHARGES.**

User charges for normal domestic users shall be determined as follows.

(A) *Calculation of unit cost for treatment of normal domestic strength wastewater.*

In which: Uomr = Unit cost for operation, maintenance and replacement in \$/Kgal  
 Comr = Total annual OM & R costs  
 Tbwv = Total annual billable wastewater volume in kgal

(B) *Calculation of user charge.*

$$Uc = Uomr \times bwv$$

In which: Uc = User charge  
 Uomr = Unit cost for operation, maintenance and replacement in \$/kgal  
 bwv = Billable wastewater volume of a particular user in kgal

(Ord. 226, passed 3-24-92)

**§ 52.19 RECOVERY OF LOCAL CONSTRUCTION COSTS.**

Local construction costs of the wastewater treatment facility will be recovered through a debt service charge calculated using usage and connection charges as follows.

(A) *Calculation of debt service unit cost for wastewater volume.*

In which: Uds = Unit cost for debt service in \$/kgal  
 \*Cds = Cost of annual debt service assigned for wastewater volume  
 Tbwv = Total annual billable wastewater volume in Kgal

\*City may reduce the cost of annual debt service through the use of other city funds at its discretion.

(B) *Calculation of debt service billable connection cost.*

$$U_D = \frac{C_{DC}}{TC}$$

In which: U<sub>D</sub> = Unit billable connection cost for debt service  
 \*C<sub>DC</sub> = Costs of annual debt service assigned for connections  
 TC = Total number of billable connections

\*City may reduce the cost of annual debt service through the use of other city funds at its discretion.

(C) Calculation of debt service charge.

$$Dc = Uds \times bwv + U_D \times U$$

In which: Dc = Debt service charge

Uds = Unit cost for debt service in \$/Kgal

$U_D$  = Unit billable connection cost for debt service

U = Number of billable connections for particular user

bwv = Billable wastewater volume of a particular user in kgal

(Ord. 226, passed 3-24-92)

**§ 52.20 DETERMINATION OF SEWER SERVICE CHARGES.**

The sewer service charge for a particular connection shall be determined as follows.

$$SSC = Uc + Dc$$

In which: SSC = Sewer service charge

Uc = User charge

Dc = Debt service charge

(Ord. 226, passed 3-24-92)

**§ 52.21 ADDITIONAL CHARGES.**

(A) The sewer service charges established in this chapter shall not prevent the assessment of additional charges to users who discharge wastes with concentrations greater than normal domestic strength or wastes of unusual character, or contractual agreements with those users, as long as the following conditions are met.

(1) The user pays operation, maintenance, and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, and no user is charged at a rate less than that of normal domestic strength wastewater.

(2) The measurements of wastes are conducted according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* in a manner acceptable to the city as provided for in Chapter 51.

(B) A study of unit costs of collection and treatment processes attributable to flow, BOD, TSS and other significant loadings shall be developed for determining the proportionate allocation of costs to flows and loadings for users discharging wastes of greater than normal domestic strength or wastes of unusual character.

(Ord. 226, passed 3-24-92)

***SEWER SERVICE FUND***

**§ 52.35 ESTABLISHMENT OF FUND.**

(A) The city establishes a sewer service fund as an income fund to receive all revenues generated by the sewer service charge system, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees and assessments intended to retire construction debt.

(B) The city also establishes the following accounts as income and expenditure accounts within the sewer service fund.

(1) Operation and maintenance account.

(2) Equipment replacement account.

(3) Debt retirement account.

(Ord. 226, passed 3-24-92)

**§ 52.36 FUND ACCOUNTS.**

(A) All revenue generated by the sewer service charge system, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the Clerk-Treasurer separate and apart from all other funds of the city. Funds received by the sewer service fund shall be transferred to the Operation and Maintenance Account, the Equipment Replacement Account, and the Debt Retirement Account in accordance with state and federal regulations and the provisions of this chapter.

(B) Revenue generated by the sewer service charge sufficient to insure adequate replacement throughout the useful life of the wastewater facility shall be held separate and apart in the Equipment Replacement Account and dedicated to affecting replacement costs. Interest income generated by the Equipment Replacement Account shall remain in the Equipment Replacement Account.

(C) Revenue generated by the sewer service charge system sufficient for operation and maintenance shall be held separate and apart in the Operation and Maintenance Account.

(Ord. 226, passed 3-24-92)

*ADMINISTRATION*

**§ 52.50 ANNUAL REPORTS.**

(A) The City Administrator shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of these costs annually in January.

(B) The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with § 52.02(B) of this chapter and section 204 (b) (2) (A) of the Federal Water Pollution Control Act, as amended.

(C) The city shall thereafter, but not later than the end of the year, reassess, and as necessary revise the sewer service charge system then in use to ensure the proportionality of the user charges and to ensure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.  
(Ord. 226, passed 3-24-92)

**§ 52.51 USER NOTIFICATION.**

In accordance with federal and state requirements, each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to operation, maintenance and replacement.  
(Ord. 226, passed 3-24-92)

**§ 52.52 RECORDS MAINTENANCE.**

In accordance with federal and state requirements, the City Administrator shall be responsible for maintaining all records necessary to document compliance with the sewer service charge system adopted.  
(Ord. 226, passed 3-24-92)

**§ 52.53 BILLING.**

(A) Bills for sewer service charges shall be rendered on a monthly basis, succeeding the period for which the service was rendered, and shall be due by the tenth of the month. Any bill not paid in full after the due date will be considered delinquent. At that time the city shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 10% of the original bill.

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(B) The owner of the premises shall be liable to pay for the service to the premises, and the service is furnished to the premises by the city only upon the condition that the owner of the premises is liable therefore to the city.  
(Ord. 226, passed 3-24-92)

**§ 52.54 RESPONSIBILITY FOR ADDITIONAL COSTS.**

Any additional costs caused by discharges to the treatment works of toxic or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger(s) of the wastes, at no expense to the city.  
(Ord. 226, passed 3-24-92) Penalty, see § 10.99

**§ 52.55 ACTION BY CITY.**

(A) To the extent allowed by law each and every sewer service charge levied by and pursuant to this chapter is made a lien upon the lot or premises serviced, and all charges which are, on December 31 of each year, past due and delinquent, shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing in this chapter shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

(B) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect any amounts as are delinquent and due against the occupant, owner, or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court.

(C) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being served by the treatment works shall be liable for interest upon all unpaid balances at the state's allowable interest rate.  
(Ord. 226, passed 3-24-92)

***RATES***

**§ 52.65 SEWER USE CHARGE.**

Sewer rates shall be established from time to time by resolution of the City Council.

## CHAPTER 53: WATER

### Section

53.01	Regulations and rates
53.02	Applications and permits
53.03	Water leases and rents
53.04	Water meters
53.05	Tampering with meter prohibited
53.06	Water rates
53.07	Turn-on fee
53.08	Connection fee

### **§ 53.01 REGULATIONS AND RATES.**

The rules and regulations and water rates hereinafter named shall be considered a part of the contract with every person, company or corporation, who are supplied with water through the water system of the city; and every person, company or corporation, by taking water, shall be considered to express assent to be bound thereby; and whenever any of these regulation is violated or others as the City Council may hereinafter adopt, the water shall be cut off from the building or pipes or place of violation, (although two or more parties may receive water through the same pipe) and shall not be turned on again except by the order of the Superintendent of Municipal Utilities, and on payment of the expense of shutting off and turning it on, and other terms as the following rules and regulations set forth, and a satisfactory understanding with the party or parties that no further cause of complaint shall arise; and in case of violation, the Superintendent shall have the right to declare any payment made for the water by the person committing the violations to be forfeited and the same shall thereupon be forfeited.

(Ord. 98, passed 4-12-39)

### **§ 53.02 APPLICATIONS AND PERMITS.**

(A) All applications for the introduction of water into any premises, or for the extension of any water pipe, shall be made by the owner, or tenant with the written consent of the owner, upon printed blanks for that purpose, to be had at the office of the Municipal Utilities in the Municipal Power Plant Building. The application must state truly and tally all purposes for which water is desired. Should additional use at any time be desired, the person requiring the same must make a new application before any additional use will be allowed.

(B) The applicant must subscribe to and agree to be bound by any rules governing the use of water as may be in force, or be made from time to time by the Janesville Water, Light, Power and Building Commission and/or City Council.

(C) Wherever pipes are intended to supply two or more distinct premises or tenants and where only one service cock is used, the application must be made by the person or persons controlling the same, who must pay the water rent of all parties who are thus supplied, as separate water bills will not be made.  
(Ord. 98, passed 4-12-39) Penalty, see § 10.99

**§ 53.03 WATER LEASES AND RENTS.**

(A) All water rents are due and payable quarterly at the office of the Superintendent of Municipal Utilities on the twentieth day of January, April, July and October. If the rents are not paid within ten days after the due date, the water will be turned off.

(B) No claims shall be made against the city by reason of the breaking of any main pipe, service pipe or cock, or for any other interruption of the supply, or by reason of the breaking of machinery, or stoppage for necessary repairs, and no deduction will be made for any time that private water pipes may be frozen.

(C) The city will put in all service pipes and stop cocks from the street main to the curb line. The cost of service pipe, including the stop cock, shall be uniformly \$10, to be paid in advance to the Superintendent of Municipal Utilities by the consumer prior to the time that work on the installation of the service pipe is started.

(D) All persons using city water shall provide themselves with water meters of the kind designated by the Water, Light, Power and Building Commission of the city. Meters shall be properly attached so as to correctly measure all city water used by them. The city shall furnish meters to all applicants using city water at actual cost, the water patrons paying the cost of installation only. Should the owner of any premises located in the city having water connections fail to obtain and install a meter, the city will install a meter on the service and charge against the consumer a meter rental of \$0.25 per quarter to be paid with the quarterly bill.

(E) All meters shall be put in and connected up under the direction of and in conformity with the rules and regulations of the Water, Light, Power and Building Commission of the city, and it shall be unlawful for any person, unless properly authorized by the city, to connect, remove, repair or otherwise disturb any water main, tap or curb box connection, or be in possession of and using any rod for the purpose of turning on or off water from the main to any consumer's service, or to tamper with any meter or seal thereon.  
(Ord. 98, passed 4-12-39) Penalty, see § 10.99

**§ 53.04 WATER METERS.**

(A) The city will repair and maintain all water meters, whether privately-owned or owned by the city, and charge against the owner thereof the actual cost of repairing the same, but no charge for labor for repairing meters will be made.

(B) The occupant of any building or premises where a meter is located shall see that the meter is kept and remains free from obstruction, and is conveniently accessible at all times for the purpose of reading, inspecting or repairing. All water meters, fixtures, appurtenances and appliances on private premises connected with the water system of the city shall be open to inspection by the proper employees of the city at all reasonable and ordinary hours.

(C) In case any meter fails to register from any cause the amount charged for water during such period shall be a sum equal to that charges in the proceeding quarter.

(Ord. 98, passed 4-12-39)

(D) (1) All persons using city water, with the exception of those consumers whose sole water outlet consists of not more than one tap or faucet located in a yard outside of a building, shall properly arrange all water piping and plumbing in such a manner that the Municipal Utilities can install a water meter on the piping for the purpose of measuring the water consumed by the customer, and shall arrange the piping in such a manner as to provide a frost-proof and readily accessible location for the meter, the Municipal Utilities to be the sole judge as to whether the location provided for the meter is to be deemed as readily accessible.

(2) From and after publication of this chapter, no connection may be made to the water mains of the Municipal Utilities by any person unless a meter shall be attached to the service. This provision shall not, however, effect any existing connections, where the sole water outlet consists of not more than one tap or faucet located in a yard outside of a building.

(3) Water meters shall be purchased from the Municipal Utilities or shall be rented from the Municipal Utilities, the rental charge to be \$2 per quarter, and to be paid at the same time as the regular quarterly water service bill.

(4) In the event a water meter is damaged, from any cause whatsoever, the Municipal Utilities will repair the damaged meter and charge against the consumer the actual cost of repair, but no charge for labor for repairing the meter shall be made.

(Ord. 100, passed 8-27-40; Am. Ord. 182, passed 1-7-80)

Penalty, see § 10.99

**§ 53.05 TAMPERING WITH METER PROHIBITED.**

Any person who shall tamper with any seal placed upon any water meter connected to the system owned by the city, and any person who shall turn on the supply of water to a service pipe from which the supply has been turned off by the city or its employees due to non-payment of water rent or for any

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other reason, before first having obtained permission from the Superintendent of Municipal Utilities, shall be subject to a fine as set forth in § 10.99.

(Ord. 98, passed 4-12-39) Penalty, see § 10.99

**§ 53.06 WATER RATES.**

Water rates shall be established from time to time by resolution of the City Council.

**§ 53.07 TURN-ON FEE.**

The charge for turning water on and turning water off in all cases of violation of this chapter shall be established from time to time by resolution of the City Council, and the same charge shall be paid before the water is again turned on.

(Ord. 98, passed 4-12-39)

**§ 53.08 CONNECTION FEE.**

The tap fee to be charged all persons desiring to be connected to the water mains of the city shall be established from time to time by resolution of the City Council.

(Ord. 118, passed 10-7-1947)

## CHAPTER 54: ELECTRICAL SERVICE

### Section

54.01	Application for service
54.02	Permits and inspections
54.03	Wiring standards
54.04	Location of service outlet; wires
54.05	Meters
54.06	Billing
54.07	Appliances and apparatus
54.08	Motors
54.09	Discontinuance of service

### § 54.01 APPLICATION FOR SERVICE.

(A) Customers may secure the service of the Municipal Utilities by making written application for service, after complying with the regulations hereinafter set forth.

(B) No meter deposit shall be required except in such instances where the Municipal Utilities deems it advisable for their protection.

(C) Upon moving from one location to another, the customer must pay all outstanding electric bills for service at the previous location before service will be continued at the new location.

(D) On all loads where the demand exceeds 15 KW, the Municipal Utilities may, if they deem it advisable, install a demand meter and require the customer to pay a penalty if the demand at any time shall exceed the predetermined amount, the penalty and amount of demand and terms to be determined solely by the Municipal Utilities.

(E) On all loads whereby the Municipal Utilities are required to make extensive changes in their generating and/or distribution systems in order to properly serve the customers and/or prevent unsatisfactory service to other customers, the Municipal Utilities may, if they deem it advisable, require a deposit from the customer making application for service, guaranteeing operation of the load for a sufficient period of time to compensate for making the change in the generating and/or distribution systems. The amount and terms of the deposit to be determined solely by the Municipal Utilities and agreed to by the customer at the time of making application for service.

(F) The term *MUNICIPAL UTILITIES* as used in this chapter and any other ordinance of the city, unless otherwise expressly stated, shall mean all the utilities owned and operated by the city through the City Council thereof, or through the Water, Light, Power and Building Commission of the city, and the term shall embrace the authority of the City Council and the Water, Light, Power and Building Commission of the city.  
(Ord. 97, passed 4-12-39; Am. Ord. 99, passed 1-25-40)

**§ 54.02 PERMITS AND INSPECTIONS.**

(A) Before beginning construction of new installations, or making changes in existing installations, contractors and/or customers should confer with the proper representative of the Municipal Utilities to assure reliable information that the current and voltage desired is available.

(B) Before making any electrical installation, alteration, extension or repair, the person who will make the installation, alteration, extension or repairs must apply to the Superintendent of Municipal Utilities for a permit to do so, the permit to be issued at no cost. Nothing herein contained shall be deemed to require an application for purely temporary installations, but determining what is or what is not a temporary installation is to be done solely by the inspector.

(C) The application for permit must be in writing and signed by the applicant. It must show the sites of the contemplated installation or repair and describe the nature and extent thereof.

(D) Upon receipt of the application, the Superintendent of Municipal Utilities shall issue the proper permit to the applicant.

(E) Under certain conditions, when alterations, extensions or repairs to existing installations are being contemplated, the Municipal Utilities may deem it advisable to request other alterations, extensions or repairs to the existing installations, in which case the customer must include such requested alterations or repairs before a permit for any alterations, extensions or repairs will be granted.

(F) The Superintendent of Municipal Utilities shall inspect all electrical installations, alterations, extensions or repairs made or installed after the passage of this chapter before he shall connect the installation, alteration extension or repair with the Municipal Utilities service wires. This duty may not be assigned or performed by any other person without the consent of the Water, Light, Power and Building Commission.

(G) Request for inspection shall be made 24 hours before service is desired, and the inspection must be completed before service is given.

(H) In the event the first inspection reveals failure to comply with city ordinances, the electric codes of the state of and/or National Electric Code, these failures must be corrected before service is given. After they are corrected and before electric energy is supplied, the installation shall be re-inspected, and if found satisfactory, may be connected.

(I) No charge shall be made for inspection except when the inspector is required to make more than one re-inspection, when a charge of \$1 will be made for each additional re-inspection.

(J) If circumstances or conditions warrant it, the inspector may permit deviations from the rational Electric Code, but the deviation must be clearly stated in writing and a copy given to the person performing the work, and a copy filed with the inspector's report.  
(Ord. 97, passed 4-12-39) Penalty, see § 10.99

#### **§ 54.03 WIRING STANDARDS.**

All new wiring installations and all additions to, or alterations of existing installations must conform with the National Electric Code, the State Electric Codes, and any ordinances, resolutions, or regulations of the city, and the approval of the Municipal Utilities Inspectors must be obtained.  
(Ord. 97, passed 4-12-39) Penalty, see § 10.99

#### **§ 54.04 LOCATION OF SERVICE OUTLET; WIRES.**

(A) The location of the customer's service outlet, in all cases, will be designated by the Superintendent of the Municipal Utilities.

(B) All customer's service wires shall be installed in conduit from the point of entrance to the approved meter service switch at the meter location, except when special permission has been granted by the Superintendent of the Municipal Utilities for other types of service installation.

(C) In special cases where the service switches are located more than ten feet from the point of entrance, the inspector may require an approved fuse cabinet at the point of entrance.

(D) The customer is required to supply all material (including meter service switch) and labor necessary in installing the customer's service wires.

(E) The customer is required to supply all main line cut-outs and switches, and must provide fuses for all fuse blocks, including the main line.

(F) The Municipal Utilities will make all connections to the customer's service wires, which wires must extend at least two feet from an approved fitting, furnished by the customer.

(G) Where the distribution system is overhead, a customer may obtain an underground service connection by installing and maintaining the service connection at his own expense. Underground service shall be installed in conduit from the Municipal Utilities secondary wires.  
(Ord. 97, passed 4-12-39) Penalty, see § 10.99

**§ 54.05 METERS.**

(A) The Municipal Utilities will furnish and install a meter(s) for the proper measuring of electrical energy used by the customer, providing the customer has complied with all regulations, the meter(s) to remain the property of the Municipal Utilities.

(B) The location of the meter(s), in all cases, will be designated by the Municipal Utilities.

(C) All meters are to be mounted on a meter board which has been approved by a proper representative of the Municipal Utilities.

(D) The customer shall not permit anyone, other than an authorized representative of the Municipal Utilities, to interfere with the meter(s) or other appliances of the Municipal Utilities.

(E) The customer shall be held responsible if evidence tends to show tampering with the meter(s), meter or switch seals, or other appliances of the Municipal Utilities.

(F) All persons are prohibited from using unmetered current.

(G) The Municipal Utilities shall have the right of access to the customers premises at all reasonable times while supplying electric service, for the purpose of reading meters, inspecting or repairing appliances used in connection with its electrical service, or of removing its property, and for any other purposes proper under these regulations.

(Ord. 97, passed 4-12-39) Penalty, see § 10.99

**§ 54.06 BILLING.**

(A) All bills for electric service are payable at the office of the Janesville Municipal Utilities, located in the Municipal Power Plant Building.

(B) All bills for service become due on or before the twentieth day of the month following that in which service is rendered. If not paid before the first day of the next following month, service will be discontinued without further notice, and shall not be resumed until the entire bill, including deposits, if any, plus a re-connection fee as it may be established by resolution from time to time has been paid. Failure to receive bills does not release the customer of his obligation. All final bills become due immediately following discontinuance of service.

(Ord. 97, passed 4-12-39)

**§ 54.07 APPLIANCES AND APPARATUS.**

(A) Electric ranges and heating appliances requiring in excess of 1650 watts capacity shall be of a design suitable for 230 volts, two-wire, or 115/230 volts, three-wire with load balanced.

(B) If the device consists of only one heating coil exceeding 1650 watts in capacity, the coil must be wound for 230 volts.

(C) If the device consists of more than one heating coil, any coil exceeding 1650 watts in capacity must be wound for 230 volts; and if none exceeds 1650 watts, the coils may be wound for 115 volts if preferable, provided the several coils are balanced so that the device can be connected to 115/230 volts, three-wire service.

(D) Motion picture apparatus, photo lamps and rectifiers requiring more than 15 amperes must be connected for 230 volts.

(E) X-Ray outfits in excess of 1650 watts must be connected for 230 volts, and so installed that they will operate satisfactorily when served from the Municipal Utilities power supply.

(F) All electric signs must be so designed and constructed that the power factor will never be less than 85%.

(G) All gaseous tubes lighting equipment must be so designed that the power factor of the equipment will not be less than 80%.

(Ord. 97, passed 4-12-39; Am. Ord. 104, passed 3-17-42) Penalty, see § 10.99

#### § 54.08 MOTORS.

(A) 115-volt motors are limited in size to  $\frac{3}{4}$ HP, and the total connected motor load on 115 volts shall not exceed more than  $1\frac{1}{2}$ HP, with not more than one  $\frac{3}{4}$ HP motor included in the aggregate.

(B) Single phase motors exceeding  $\frac{3}{4}$ HP capacity and not exceeding 3 HP capacity must be wired for 230-volt service, and the total connected single-phase motor load shall not exceed 3 HP, unless special permission has been granted by the Municipal Utilities.

(C) In districts where three-phase service is available, three-phase service will be supplied to customers whose total connected motor load exceeds 5 HP.

(D) All induction motors exceeding 3 HP capacity must be equipped with an approved type of starting device which will limit the starting current values in accordance with limits set day the Municipal Utilities.

(E) Induction motors of the squirrel cage type shall not exceed 15 HP capacity, except where special permission has been granted by the Municipal Utilities.

(F) Motors of a capacity greater than 15 HP must be of the wound rotor, multi-relay control or other approved type which will limit the starting current values in accordance with the limits set by the Municipal Utilities.

(G) Customers contemplating the purchase of motors, or motor starting equipment, should confer with the proper representative of the Municipal Utilities in order to assure service and avoid possible unnecessary expense.  
(Ord. 97, passed 4-12-39) Penalty, see § 10.99

**§ 54.09 DISCONTINUANCE OF SERVICE.**

Conditions under which electric service may be refused or discontinued either permanently or temporarily are as follows.

- (A) Non-payment of bills.
- (B) When the Municipal Utilities considers a customer's installation to be electrically and/or mechanically unsafe.
- (C) When the operation of a customer's appliances, motors or apparatus interferes with service to other customers.
- (D) For repairs or for want of supply.
- (E) Because of, or to prevent, fraud or abuse.
- (F) For failure by the contractor or customer to comply with the regulations governing electric service.

(G) No service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the city, the household income of the customer is less than 185% of the federal poverty level as documented by the customer to the city, and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule. The city shall, between August 15 and October 15, of each year, notify all residential customers of these provisions.  
(Ord. 97, passed 4-12-39) Penalty, see § 10.99